

# Order

Michigan Supreme Court  
Lansing, Michigan

March 28, 2012

Robert P. Young, Jr.,  
Chief Justice

143121-2 & (15)

Michael F. Cavanagh  
Marilyn Kelly  
Stephen J. Markman  
Diane M. Hathaway  
Mary Beth Kelly  
Brian K. Zahra,  
Justices

TIMOTHY CARLSON, RANDALL and  
LINDA KOLODZIEJSKI, WILLIAM  
and BEVERLY GLASSON, DAVID  
and KRISTIN ABRAHAM, DENNIS D.  
MARLOWE, DENNIS and TRACY  
HIGHT, TED DOBEK, CAROLYN  
KUPIEC, FREDERICK and MICHELLE  
CROSS, SANDRA POWERS, DANIEL G.  
OLIVARES, FRANCESCO and PAMELA  
SIMONE, GARY POTAPSHYN, GERALD  
KOWALSKI, and FRANK VITALE,  
Plaintiffs-Appellees,

v

CITY OF WARREN,  
Defendant-Appellant.

SC: 143121-2  
COA: 299577; 299587  
Macomb CC: 2000-01823-CZ

On order of the Court, the motion for miscellaneous relief is GRANTED. The application for leave to appeal the April 29, 2011 and May 2, 2011 orders of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for consideration, as on leave granted, of the issue raised in Court of Appeals Docket No. 299577, whether any of the class members' claims are barred by the three-year period of limitation set forth in MCL 600.5805(10); and the issue raised in Court of Appeals Docket No. 299587, whether the defendant has a due process right to defend against the plaintiffs' individual claims of causation and damages in this class action and/or whether there are due process implications to the process of statistical "extrapolation" to be drawn from the testimony of the plaintiffs' expert witnesses. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should now be reviewed by this Court.

CAVANAGH, J., not participating due to a familial relationship with counsel of record.



h0321

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 28, 2012

*Corbin R. Davis*

Clerk